

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

-----  
ELMER GERTZ, :  
                    Plaintiff :  
                                  : Civil Action  
                    v. : No. 69 C 1288  
                                  :  
ROBERT WELCH, INC., :  
                                  :  
                    Defendant :  
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DEPOSITION of ALAN STANG, a witness called on behalf of the Plaintiff, taken pursuant to the Federal Rules of Civil Procedure, before Ralph J. Simpson, Registered Professional Reporter and Notary Public duly commissioned and qualified in and for the Commonwealth of Massachusetts, at American Opinion Magazine, 395 Concord Avenue, Belmont, Massachusetts, on Thursday, October 16, 1975, commencing at 10:15 o'clock a.m.

PRESENT:

Wayne B. Giampietro, Esq., 179 West Washington Street, Suite 520, Chicago, Illinois 60602, for the Plaintiff.

Gerard C. Heldrich, Jr., Esq., 33 North Dearborn Street, Suite 832, Chicago, Illinois 60602, for the Defendant.

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*DORIS O. WONG ASSOCIATES*  
*Certified Shorthand Reporters*

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E X H I B I T S (cont'd.)

<u>No.</u>	<u>Description</u>	<u>For Ident.</u>
14	Letter dated July 30, 1948 from Robert J. Silberstein, Executive Secretary of the National Lawyers Guild, to Members of the House of Representatives.	100
15	Document headed "CHICAGO CHAPTER, NATIONAL LAWYERS GUILD, OFFICERS AND MEMBERS OF THE EXECUTIVE BOARD - 1950-1951."	101

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P R O C E E D I N G S

MR. GIAMPIETRO: Let the record show that this is the deposition of Alan Stang taken pursuant to the Federal Rules of Civil Procedure, the rules for the United States District Court for the Northern District of Illinois, Eastern Division, taken pursuant to notice and agreement of counsel.

ALAN STANG

was called as a witness by counsel for the Plaintiff, and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GIAMPIETRO:

Q Mr. Stang, would you please state for the record your name and address?

A My name is Alan Stang. I live at No. 2 Baron Park Lane, Burlington, Massachusetts.

Q And what is your business or occupation at the present time?

A I'm an author, columnist, radio commentator, lecturer.

Q By whom are you employed?

A I am self-employed.

Q Do you have any affiliation with American Opinion

1 Magazine or with Robert Welch, Incorporated which  
2 publishes that magazine?

3 A Yes, I do.

4 Q And what is that affiliation?

5 A I'm a contributing editor.

6 Q What are your duties as a contributing editor for  
7 American Opinion Magazine?

8 A I prepare an article, a magazine article for every  
9 issue of the magazine.

10 Q And are you compensated?

11 A Yes, I am.

12 Q And how are you compensated? That is, are you on  
13 an article-by-article basis or is there a straight  
14 salary or what is the situation?

15 A I am paid on the basis of each article I submit.  
16 My relationship to the magazine is exactly the same  
17 as that of any freelancer to any magazine.

18 Q Does the compensation which you receive vary from  
19 article to article or is it the same for each  
20 article?

21 A It's the same for every article, but it's not a  
22 salary. It's a fee.

23 Q By what entity are you paid for these articles?

24 A I suppose it's Robert Welch, Inc.

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Chen/ock

1 Q Does that entity withhold from the check which you  
2 receive anything for social security, income tax,  
3 anything of that nature?

4 A No money is withheld. I have to pay all that myself  
5 on an estimated tax form.

6 Q How long have you been a contributing editor to  
7 American Opinion Magazine?

8 A Approximately -- and I would have to check into  
9 this if you need the exact date -- approximately  
10 seven or eight years.

11 Q Are you a contributing editor to any other publica-  
12 tion?

13 A Yes.

14 Q And what publication or publications are those?

15 A The Review of the News.

16 Q And by whom is that published, if you know?

17 A The Review of the News is published weekly by  
18 Correction Please, Inc., 395 Concord Avenue, Belmont,  
19 Mass.

20 Q 395 Concord Avenue is also the address of Robert  
21 Welch, Inc., is it not?

22 A I don't know. I suppose so.

23 Q Is that also the address of American Opinion Magazine?

24 A The editorial office of American Opinion is located

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1 at Ford Hill Road, also in Belmont, Mass., but I  
2 suppose if you sent something to 395 American Opinion,  
3 it would get here. It's all connected.

4 Q And what is that connection, if you know, between  
5 those entities?

6 A Between American Opinion Magazine --

7 Q And Information Please, Inc.

8 A It is Correction Please, Inc.

9 Q Correction Please, Inc. I'm sorry.

10 A The legal corporate connection I don't know how to  
11 describe to you. There's a connection, but legally  
12 the technical language that you would use as counsel  
13 I don't know. It's easily established.

14 Q Are you provided with any office space by either  
15 Correction Please, Inc. or Robert Welch, Inc.?

16 A I suppose so. This is my office here.

17 Q And we are, for the record, at 395 Concord Avenue?

18 A You are at 395 Concord Avenue; right.

19 Q Do you pay any rent for the office?

20 A No.

21 Q And this is the office out of which you work and  
22 do your writing; is that correct?

23 A When I'm here, yes.

24 Q Your base of operations.

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- 1 A Right now, yes.
- 2 Q How long have you had this office in this building?
- 3 A Just about exactly a year.
- 4 Q Prior to that time did you have an office out of
- 5 which you worked?
- 6 A Yes.
- 7 Q A specific office, and where was that?
- 8 A In New Jersey.
- 9 Q And did that office have any connection with either
- 10 Robert Welch, Inc. or Correction Please, Inc.?
- 11 A None whatsoever.
- 12 Q Where was that office?
- 13 A In New Jersey.
- 14 Q Where in New Jersey specifically?
- 15 A It was in my home. It was a room in my home.
- 16 Q Do you write articles for any other publications
- 17 at the present time?
- 18 A Is a radio show a publication?
- 19 Q Well, that's not what I was getting at. We'll get
- 20 to that next, but do you actually write articles
- 21 for printed publication in any other magazine?
- 22 A Magazine?
- 23 Q Right.
- 24 A Right now?



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- Q Yes.
- A No.
- Q Have you previously had any articles published in any other magazines?
- A Yes.
- Q Do you know the names of those magazines?
- A One that I recall was called Gentleman Quarterly or Gent, and the article I wrote was reprinted in Gentleman Quarterly. I don't know whether that magazine still exists.
- Q To your knowledge did that magazine have any connection with either Robert Welch, Inc. or Correction Please, Inc.?
- A None whatsoever.
- Q Totally different publisher?
- A Totally different publisher.
- Q Have you had any articles published in any other magazine?
- A I just don't recall. It's possible, but I can't name another magazine off the top of my head right now.
- Q Have you written any books?
- A Yes, I have.
- Q Can you tell me the names of those books?

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1 A "It's Very Simple," "The True Story Of Civil  
2 Rights," "The Actor," "The True Story Of John  
3 Foster Dulles," "The Highest Virtue."

4 Q Is that it?

5 A That's it.

6 Q Were all of those books published by the same  
7 publisher?

8 A Yes, they were.

9 Q And what was the name of that publisher?

10 A Western Islands.

11 Q Do you know where their editorial offices are  
12 located?

13 A Yes.

14 Q And where is that?

15 A Belmont, Massachusetts and San Marino, California.

16 Q Does Western Islands to your knowledge have any  
17 connection or relationship with either Robert Welch  
18 Inc. or Correction Please, Inc.?

19 A Yes.

20 Q And what is that connection to your knowledge?

21 A Once again I don't know how to describe it tech-  
22 nically legally. There is some corporate connection  
23 which you could easily establish by asking the  
24 authorities here, but I don't know specifically

1 ~~technically how~~ to describe it.

2 Q When was the first of those books first published?

3 A 1965.

4 Q When did you first become affiliated with -- well,  
5 strike that.

6 Let me ask you this: do these entities  
7 that we have been talking about -- namely, Robert  
8 Welch, Inc. and Western Islands and Correction  
9 Please, Inc. -- have any connection with the John  
10 Birch Society to your knowledge?

11 A Yes, they do.

12 Q They are all affiliates in one way or another of  
13 that organization; is that correct?

14 A Yes, it is.

15 Q Okay. When did you first have any connection of  
16 any kind with either the John Birch Society or  
17 any of its affiliates?

18 A 1963.

19 Q And how did that come about?

20 A I wrote an article for American Opinion Magazine.

21 Q Do you remember the name of that article?

22 A The title was "U Thant."

23 Q How did you come to write that article for American  
24 Opinion? Did you just submit it to the magazine

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1 ~~as a freelance writer or were you commissioned?~~

2 A No.

3 Q What was the situation?

4 A Scott Stanley called me and asked whether I would  
5 be interested in doing it.

6 Q And I take it that you replied in the affirmative.

7 A That's right.

8 Q By the way, are you, yourself, a member of the John  
9 Birch Society?

10 A Yes, I am.

11 Q How long have you been a member?

12 A Ten years.

13 Q Can you give us a brief synopsis of your education,  
14 degrees, schools that you went to, things of that  
15 nature?

16 A I was graduated from the Dewitt Clinton High School  
17 in the Bronx with an academic diploma. I was  
18 graduated from City College of New York with a  
19 Bachelor of Arts degree. I was graduated from  
20 Columbia University with a Master of Arts degree.

21 Q What was your major at City College of New York?

22 A English.

23 Q What year did you receive your degree from CCNY?

24 A 1952.

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1 Q And when did you receive your Masters degree from  
2 Columbia?

3 A 1956.

4 Q Could you give us a brief sketch of your employment  
5 background from the time that you received your  
6 Bachelors degree?

7 A I worked as a New York taxicab driver for various  
8 cab companies in New York. I worked as a dance  
9 teacher for the Dale Dance Studio, New York. I  
10 worked for Prentice-Hall Publishing Company as a  
11 business editor.

12 Q What were the years that you worked for Prentice-  
13 Hall?

14 A If I remember correctly, to the best of my recollec-  
15 tion, to the best of my recollection part of 1956  
16 and 1957.

17 Q Who did you work for after Prentice-Hall?

18 A I worked for Tex McCrary, Inc.

19 Q What did that company do?

20 A That company was a public relations company and  
21 a radio and television packager, and I worked in  
22 the radio department as a radio writer. I wrote  
23 Tex McCrary's daily radio interview show at NBC  
24 in New York.

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1 Q ~~How long did you work for that company?~~

2 A To the best of my recollection, about two years.

3 Q From 1957?

4 A From approximately -- to the best of my recollection,  
5 from the very end of 1957 somewhere into 1959.

6 Q Was that radio show carried in any other cities  
7 besides New York to your knowledge?

8 A It's possible that it was syndicated. It was not  
9 a network show as I recall, at least when I was  
10 there. It may have been syndicated, in which case,  
11 of course, it would have been heard on other  
12 stations, but I can't say for sure that it was. I  
13 don't remember.

14 Q Who was the person on the air who did the interview-  
15 ing in connection with that show?

16 A I believe his name, his legal name was John R.  
17 McCrary, Jr. I think that was his full name, but  
18 everybody knew him, of course, as Tex, Tex McCrary.

19 Q Is he still doing that show now, do you know?

20 A No, he's not.

21 Q Is he still alive? Do you know?

22 A I don't know. I presume he's alive. I haven't  
23 heard any news to the contrary.

24 Q Do you know when that show went off the air?

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1 A To the best of my recollection, sometime in the  
2 early '60s. I may be mistaken. That is the  
3 best recollection I can give you.

4 Q In your duties as a writer for that show, what kinds  
5 of things did you write or what were your duties,  
6 I should say?

7 A My first duty was to investigate, research, study  
8 the record, the background of the particular guest  
9 we were going to interview. The next step for me  
10 was to go and see the person and interview the  
11 person. Step 3 would be to come back to the office  
12 and do additional research, investigation based  
13 upon what the person I had interviewed had told me.  
14 Step 4 was to write a script for Tex McCrary's use  
15 during the actual live interview on NBC.

16 Q Were the guests on that show limited to any par-  
17 ticular types of people or areas of endeavor?

18 A No.

19 Q A broad-based interview show with people from all  
20 walks of life?

21 A Exactly.

22 Q What was your next employment after you ceased  
23 working for Tex McCrary, Inc.?

24 A That was the last job I had as an employee, but

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1 after Tex McCrary, I wrote the Mike Wallace Interview  
2 for Mike Wallace.

3 Q And what kinds of things did you do in writing for  
4 Mike Wallace?

5 A Once again I would do extensive research on the  
6 person we were going to interview. Once again I  
7 would go and interview the person myself, spend  
8 time with him or her. Once again I would return to  
9 the office and do additional research, and once  
10 again I would write a script on the basis of all  
11 this conversation and research for Mike Wallace's  
12 use for the interview that he would later conduct.

13 Q How long did you do that?

14 A To the best of my recollection, about two years;  
15 maybe a year and a half. Somewhere in there to  
16 the best of my recollection.

17 Q And after that, what type of employment did you  
18 have or for whom did you do work?

19 A After that, I began to do a little work for  
20 American Opinion Magazine and then more and more.

21 Q Besides doing some work for American Opinion Magazine,  
22 were you doing anything else?

23 A I began to do the research at that time for my  
24 novel.



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1 Q ~~And what was the name of that novel?~~

2 A "The Highest Virtue."

3 Q That novel was ultimately published in 1974; is  
4 that correct?

5 A That's correct.

6 Q What was the nature of your affiliation with  
7 American Opinion Magazine in the year 1969?

8 A My relationship was the same as it has been from  
9 the beginning, which, once again, is that of any  
10 freelance contributor to any magazine to which he  
11 submits a manuscript and which pays him a fee.

12 Q Were you a contributing editor to American Opinion  
13 at that time?

14 A At what time?

15 Q In 1969; specifically April of 1969.

16 A April, 1969? No.

17 Q You indicated that now you submit an article for  
18 each issue of American Opinion; is that correct?

19 A That's correct.

20 Q In 1969 were you submitting articles for each  
21 issue of American Opinion?

22 A No.

23 Q Do you know how many articles of yours appeared in  
24 American Opinion in the year 1969 to the best of

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1 your recollection?

2 A To the best of my recollection, a few.

3 Q At what point in time, if you can remember, did you  
4 reach the point where you were submitting an article  
5 for each issue of American Opinion?

6 A In late 1971.

7 Q By the way, American Opinion is published monthly,  
8 is it not?

9 A Yes, it is, except for July-August which is a  
10 combined double issue which we call our scoreboard  
11 issue.

12 Q In 1969 did you have any articles published in  
13 Review of the News?

14 A I don't remember. Shall I look it up?

15 Q Not now. You wrote, did you not, an article which  
16 appeared in the April, 1969 issue of American Opinion  
17 entitled "Frame-Up: Richard Nuccio And The War  
18 On Police"?

19 A Yes.

20 Q When did you first commence preparation of that  
21 article?

22 A I don't remember. Sometime prior to the publica-  
23 tion date.

24 Q Do you have any idea how long prior to the publicati

1      date?      Weeks?      Months?

2      A      A couple of months probably.

3      Q      How did you get the idea of writing that article?

4      A      Our managing editor, Scott Stanley, pursuant to  
5      our usual practice from the beginning, called me  
6      and asked whether I would go to Chicago to investi-  
7      gate.

8      Q      Tell me everything you can remember about what was  
9      said during that telephone conversation between  
10     yourself and Mr. Stanley.

11     A      Mr. Stanley told me, to the best of my recollection  
12     that it appeared that in the Nuccio case there was  
13     another example in which a fine, dedicated, con-  
14     scientious police officer was being railroaded as  
15     part of the then vigorous campaign to discredit  
16     local police. He asked me whether I would go to  
17     Chicago to investigate. I told Mr. Stanley that  
18     I might go to Chicago and, on the basis of my  
19     investigation, decide that in my opinion the  
20     officer was guilty. He told me, "That's fine.  
21     Go to Chicago, see what you can come up with."

22     Q      Did Mr. Stanley tell you how he became aware of  
23     the Nuccio case?

24     A      I don't remember.

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1 Q ~~You mentioned that Mr. Stanley mentioned to your~~  
2 during that interview or that conversation, I  
3 should say, a campaign to discredit local police;  
4 is that correct?

5 A Correct.

6 Q Were you aware of the existence of any such campaign  
7 yourself?

8 A Yes, I was.

9 Q And to your knowledge, who was carrying out that  
10 campaign?

11 A The Communists and their front groups, sympathizers  
12 supporters.

13 Q Before you left for Chicago, were you given any  
14 materials or information about the Nuccio case?

15 A It's possible that I was given some clippings.

16 Q Do you recall where those clippings would have been  
17 from?

18 A Would you say that again?

19 Q What kinds of clippings?

20 A Newspaper clippings.

21 Q From Chicago newspapers?

22 A From Chicago newspapers.

23 Q Did you do any research in regard to the Nuccio  
24 case before going to Chicago?

1 A No.

2 Q Had you, yourself, written any articles about this  
3 campaign to discredit local police prior to  
4 commencing the preparation and writing of this  
5 particular article?

6 A To the best of my recollection, even before that,  
7 I had written many things about this particular  
8 problem and I had made speeches about it as a  
9 matter of fact.

10 Q By the way, previously you mentioned that you're  
11 involved in radio programs of some kind; is that  
12 correct?

13 A Correct.

14 Q What do you do in regard to radio programs?

15 A My program is a daily nationally syndicated radio  
16 news commentary for which I prepare a script and  
17 record the script for dubbing on tape which is sent  
18 around the United States to my customers.

19 Q Who distributes that radio program?

20 A The John Birch Society Features.

21 Q How long have you been doing that program?

22 A About three and a half years.

23 Q Do you know how many stations carry that program?

24 A Right now between 85 and 90.

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Doris D. Wong Associates

1 Q Do you know if any radio stations in Chicago carry  
2 that program?

3 A Yes.

4 Q Do you know which ones?

5 A WEAW.

6 Q Are you compensated in any way for the preparation  
7 of that radio program?

8 A Yes.

9 Q By whom do you receive your compensation or from  
10 whom, I should say?

11 A From each customer.

12 Q From each radio station?

13 A Yes.

14 Q Do you know if John Birch Society Features receives  
15 any compensation for distributing that radio  
16 program?

17 A Yes, I do.

18 Q Do they?

19 A Yes, they do.

20 Q Do you know the basis of their compensation?

21 A Yes, I do.

22 Q What is it?

23 A They get a fee from me as my agents.

24 Q Now getting back to the article which was published

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1 in the April, 1969 issue of American Opinion, did  
2 you go to Chicago to conduct an investigation?

3 A Yes, I did.

4 Q How many times did you go to Chicago in connection  
5 with that investigation?

6 A At least twice to the best of my recollection and  
7 maybe another time. To the best of my recollection  
8 at least twice.

9 Q Who paid for your expenses in going to Chicago?

10 A American Opinion Magazine.

11 Q Do you recall when the first time was that you went  
12 to Chicago in connection with preparing this article?

13 A No.

14 Q When you first went to Chicago on the first trip,  
15 what did you first do in connection with the research  
16 for the preparation of this article?

17 A I went to the home of Mrs. Carol Woodward.

18 Q Who is Mrs. Carol Woodward?

19 A She is a local chapter leader of the John Birch  
20 Society.

21 Q And do you know where she lives?

22 MR. HELDRICH: I do, counsel. I will give  
23 you that name and address if he doesn't.

24 MR. GIAMPIETRO: Fine. If he can give it

1 to me, ~~that is fine.~~

2 MR. HELDRICH: I will give it to him.

3 Q Did she give you any information about the Nuccio  
4 case?

5 A To the best of my recollection she gave me a raft  
6 of clippings and other printed material and told  
7 me something about who was involved, what was  
8 involved on the basis of her constant interest  
9 in the case as an interested community leader who  
10 is there on the scene and was following it closely.

11 Q Do you retain normally any of the written material,  
12 be it newspaper clippings or notes which you take,  
13 in connection with articles which you write?

14 A Yes.

15 Q Did you retain any of the material which you  
16 collected in preparing this particular article  
17 about the Nuccio case?

18 A Yes.

19 Q Do you still have that material?

20 A Yes.

21 MR. HELDRICH: Her address is 3701 North  
22 Pueblo, Chicago 60634.

23 Q Will you produce for my inspection whatever material  
24 you retained in connection with the preparation of

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1 ~~the article on the Nuccio matter?~~

2 A Yes.

3 [Discussion off the record.]

4 MR. GIAMPILTRO: On the record. Mr. Stang  
5 has indicated that he has here present a group of  
6 documents and at least two books that I see which  
7 he used in preparation of the article.

8 Q Mr. Stang, can you tell me, of that material which  
9 you have here -- well, strike that. Let me ask  
10 you first, is that material which you have just  
11 shown to me all of the material which you ever had  
12 in connection with your preparation of the article  
13 on the Nuccio case?

14 A No, because this is only a small part of the material  
15 I worked with.

16 Q What other material did you work with on this  
17 particular story that's not in that group of docu-  
18 ments?

19 A Other clippings, other notes, other legal documents,  
20 other federal documents.

21 Q Where are those documents now?

22 A I wish I knew.

23 Q Were those documents which you had copies of or  
24 were they just documents which you looked at, for

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1 example, in a court file, without obtaining copies?

2 A Both.

3 Q And you don't know what happened to those documents  
4 which you physically had possession of which are  
5 not included in that group of material which you  
6 have here now; is that correct?

7 A Yes.

8 Q In the material which you have here, can you tell  
9 which of those documents were given to you by  
10 Carol Woodward?

11 A No.

12 Q Other than the documents which Carol Woodward gave  
13 to you, do you recall what she told you about the  
14 Nuccio case?

15 A She told me essentially what Mr. Stanley had said.

16 Q Well, tell me what you recall about what she  
17 specifically told you.

18 A To the best of my recollection she told me that  
19 this was indeed a case in which a fine, dedicated,  
20 conscientious police officer was being railroaded  
21 to the penitentiary for performing his assigned  
22 duty to the best of his ability.

23 Q Did she tell you upon what she based that conclusion?

24 A Probably, but I can't recall so many things seven

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1 years in the past.

2 Q Had you known Carol Woodward prior to meeting her  
3 on this occasion?

4 A Yes, I had.

5 Q Had she ever given you information about any other  
6 story which you wrote?

7 A Yes.

8 Q How long had you known her at that time in 1969?

9 A A few years.

10 Q Did she tell you anything about any of the individual  
11 people who were involved in the Nuccio case?

12 A Yes.

13 Q Can you tell me the names of the people that she  
14 told you something about?

15 A Richard Nuccio.

16 Q What did she tell you about him?

17 A To the best of my recollection she told me he was  
18 a good man who was being railroaded in essence.

19 Q Did she tell you how she found out that information  
20 or what her source of that information was?

21 A To the best of my recollection she based it upon  
22 the events at Franksville where Mr. Nelson was  
23 killed and on the subsequent events relating to  
24 the treatment that Officer Nuccio received.

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1 Q Did she obtain -- did she tell you that she had  
2 obtained this information through newspaper  
3 articles or had she obtained it from any other  
4 source?

5 A I can't recall.

6 Q Did she tell you about any of the other people  
7 involved in the Nuccio case?

8 A Yes.

9 Q Who else?

10 A She mentioned Mr. Echeles.

11 Q What did she tell you about him?

12 A She said he was the attorney in the case or one  
13 of the attorneys in the case.

14 Q Who represented Mr. Nuccio.

15 A Yes.

16 Q Did she tell you about anybody else involved in the  
17 case?

18 A She mentioned Father Lezak.

19 Q Did she mention anybody else?

20 A Yes.

21 Q Who?

22 A Commander Fahey, Officer Rothmund.

23 Q Anybody else?

24 A She may have mentioned Mr. Gertz.

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1 Q Do you recall anything she may have said about Mr.  
2 Gertz?

3 A Not specifically.

4 Q Did she purport to have any personal knowledge about  
5 the Nuccio case? That is, had she been at any of  
6 the meetings or proceedings involving the case  
7 which she had directly observed?

8 A She had been with Mr. Nuccio, Mrs. Nuccio many  
9 times. I think she saw Commander Fahey. Maybe  
10 I'm mistaken.

11 Q After discussing this case with Carol Woodward,  
12 what did you next do in preparation for the article?

13 A Among other things I got all the newspaper clippings  
14 from the papers. I interviewed them. I went to  
15 the office of Mr. Echeles and read every word of  
16 the voluminous transcript. I came back and did  
17 additional research by checking out the people  
18 involved.

19 Q Do you recall the names of the people whom you  
20 interviewed on your first trip to Chicago?

21 A I can tell you the names of people I interviewed,  
22 but I can't say for sure which trip it was on  
23 if that is satisfactory.

24 Q Fine; sure. Just give me the names of the people

1 that you interviewed.

2 A Father Lezak, Commander Fahey, Officer Rothmund,  
3 Officer Nuccio, Reverend Thurston Barnett, the  
4 president of the Lakeview Citizens Council, whatever  
5 his name was, Gene DeRoin and Ben Citron and Mrs.  
6 Citron.

7 Q Before commencing your research in preparation of  
8 this article, had you ever heard of Elmer Gertz?

9 A Never.

10 Q Do you recall how you first became aware in pre-  
11 paring this article that Mr. Gertz was involved  
12 in the Nuccio case?

13 A To the best of my recollection the newspaper  
14 clippings said that he was.

15 Q What, if any, research did you do in connection  
16 with finding out anything about Mr. Gertz? That  
17 is, his background and who he was.

18 A I went to the newspaper clippings, all the newspaper  
19 clippings I could find about him. I went to  
20 various local documents about organizations he was  
21 involved in. I went to various federal publications  
22 published by the federal government, various  
23 committees of the federal government.

24 Q When you say that you looked at newspaper clippings

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1        about Mr. Gertz, were these clippings in addition  
2        to those which related to the Nuccio case?

3        A     Yes.

4        Q     Where did you go to look for those clippings?

5        A     Chicago Tribune, Chicago Sun Times.

6        Q     Did you make copies of any of those clippings that  
7        you looked at or obtain copies of any of those  
8        clippings about Mr. Gertz?

9        A     I'm sure copies were made, probably on our machines  
10       in the research department, on our reproducing  
11       machines.

12       Q     Did you take any notes from any clippings or other  
13       documents which you reviewed about Mr. Gertz?

14       A     Yes.

15       Q     Do you still have those notes?

16       A     A few of them.

17                    [Discussion off the record.]

18       Q     Could I take a look at those documents which you  
19       have selected from the material which you have  
20       produced today?

21                    [Documents handed to Mr. Giampietro.]

22                    Now, these four pages of handwritten notes  
23       are the notes which you took about Elmer Gertz; is  
24       that correct?

*Doris D. Wong Associates*

1 A ~~Not exactly.~~

2 Q Okay. Will you tell me what those four documents  
3 are?

4 A Okay. These notes --

5 MR. GIAMPIETRO: I'll tell you what: let's  
6 mark those for identification first so we'll know  
7 what you are talking about. Why don't we just  
8 mark them, each one, Stang Deposition Exhibit 1,  
9 2, 3 and 4.

10 [Four documents representing handwritten  
11 notes of Mr. Stang were marked re-  
12 spectively Stang Deposition Exhibits  
Nos. 1, 2, 3 and 4 for identification.]

13 Q Why don't we start with Deposition Exhibit No. 1  
14 for identification. Can you tell me what that  
15 shows?

16 A This is one page of the notes taken by a Chicago  
17 police officer.

18 Q Do you know which officer?

19 A I don't recall.

20 Q I'm sorry. Go ahead.

21 A Who went for me into the files of the Chicago Police  
22 Department police intelligence and thereafter handed  
23 me this page of notes which he said were just a  
24 few examples of what he had found in the file on

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1 Mr. Gertz that Chicago police intelligence was  
2 maintaining.

3 Q Can you tell me what Exhibit 2 is?

4 A Exhibit 2 is also a page of the notes made by that  
5 Chicago police officer who went upstairs into  
6 police headquarters to the file maintained by  
7 Chicago police intelligence on Mr. Gertz, and  
8 once again, these, according to the officer, are  
9 just a few examples of what he found in the file.

10 Q And can you tell me what Exhibit 3?

11 A Exhibit 3 is a page of notes in my handwriting  
12 which is simply a list of the Communist fronts  
13 that Mr. Gertz has been affiliated with.

14 Q And what is No. 4?

15 A No. 4 is also in my handwriting and it is a copy  
16 of notes that I made dealing with various quotations  
17 from publications about the Nuccio problem.

18 Q In regard to Exhibits 1 and 2, how did you come  
19 in contact with the police officer who made these  
20 notes?

21 A To the best of my recollection, one of our people  
22 there had been in previous contact with him, knew  
23 him and arranged for him to do this chore for me.

24 Q When you say one of our people, to what did you

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1 refer?

2 A I refer to members of the John Birch Society in  
3 Chicago.

4 Q Did you ever speak to the police officer who made  
5 these notes yourself?

6 A Yes.

7 Q Do you recall when?

8 A On the day he went into police intelligence to get  
9 the information.

10 Q And do you recall where you spoke to him?

11 A Yes.

12 Q Where was that?

13 A It was in a coffee shop on the corner of what I  
14 guess is State Street where the police headquarters  
15 is located. On the opposite corner of the side  
16 street, as I remember, there's a coffee shop or  
17 there was at that time. Maybe it's not there now,  
18 but there was a coffee shop there, a smallish coffee  
19 shop and that's where we talked.

20 Q And I take it you do not remember his name; is that  
21 correct?

22 A I can't recall his name. I had never met him  
23 before.

24 Q What did you say -- well, strike that.

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Doris Q. Wong Associates

1 Was anyone else present when you talked to  
2 this police officer?

3 A Yes.

4 Q Who was that?

5 A I don't remember who it was. I know someone was  
6 there. Someone had taken me there, but I can't  
7 recall who it was.

8 Q Can you tell me anything about who this other person  
9 was who was there? Was it one of your local people  
10 from the John Birch Society?

11 A I'm sure it was. I am sure it was, but who it was  
12 I just can't recall.

13 Q And how long did this conversation between the  
14 three of you in the coffee shop last?

15 A Altogether? It lasted, to the best of my recollec-  
16 tion, about an hour.

17 Q And do you recall what was said during that period  
18 of time?

19 A Yes.

20 Q Tell us as best you can recall what was said by  
21 those persons present.

22 A I don't recall anything said by the person who  
23 brought me, the person I can't remember. If I  
24 could remember what that person said, maybe I could

1 remember who the person was. The officer who got  
2 me the information remarked that the file on Mr.  
3 Gertz in police intelligence was a huge, voluminous,  
4 vast, sizable, extensive, intensive file and he  
5 remarked that he couldn't copy all of it by any  
6 means, and so, that was the reason he had selected  
7 just a few examples, typical examples of the type  
8 of thing he found there.

9 Q Had you told him what kinds of things you were  
10 looking for or you would like him to find from that  
11 file?

12 A I don't recall.

13 Q Did you request him to obtain information for you  
14 from this police intelligence file?

15 A Yes.

16 Q And do you recall what you said when you requested  
17 him to obtain information from that file?

18 A No.

19 Q Did you tell the officer why you wanted this in-  
20 formation on Mr. Gertz?

21 A I suppose I did, but I can't remember exactly. I'm  
22 presuming I did.

23 Q To the best of your recollection, what did you say  
24 to him as to why you wanted this information?

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1 A Well, when you say to the best of my recollection,  
2 I will answer, if you are satisfied, not with what  
3 I actually remember but with what I presume I would  
4 have said.

5 Q Well, okay; if that's the best you can do, fine.

6 A That is the best I can do at this point in time.  
7 So, in that context I presume I asked him to find  
8 out what the facts are, were at that time about Mr.  
9 Gertz.

10 Q Did you at that time know anything about Mr. Gertz  
11 yourself?

12 A Yes.

13 Q What did you know about him at that time?

14 A By that time I am sure I probably knew that he had  
15 had some extensive involvement in Communist activity.

16 Q Did you tell that to the officer?

17 A I don't remember.

18 Q Did you indicate to the officer that you were  
19 interested in finding out whether Mr. Gertz was  
20 involved with or connected with any Communist,  
21 Communist fronts, Communist affiliated organization?

22 A It's possible.

23 Q What I'm getting at is did you direct him in any  
24 way as to the kinds of things you were looking for?

1 A ~~It's possible, but I'm answering in that way because~~  
2 I'm recalling for you the best I can after this  
3 long passage of time.

4 Q Did this officer who made these notes or anyone  
5 else tell you the purpose of the police department  
6 in keeping this intelligence file on Mr. Gertz?

7 A I don't recall.

8 Q Do you know anything as to why and how this file  
9 was kept and established?

10 A Shall I presume again?

11 Q I'm just trying to find out what you know about why  
12 and how the Chicago Police Department came to have  
13 any kind of a file on Mr. Gertz.

14 A Well, okay. Police departments around the country  
15 maintain, have maintained intelligence files on  
16 people, about people, dealing with people who are  
17 involved in subversive activity in the event that  
18 something happens that they need immediate informa-  
19 tion dealing with such people with regard to that  
20 subversive activity, and presumably this case of  
21 the Chicago police intelligence department was  
22 no different than the case of any other police  
23 departments around the country that for decades  
24 have maintained such files.

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1 Q In writing this article or preparing to write the  
2 article, did you become aware of any specific  
3 kind of subversive activity in which Mr. Gertz had  
4 been involved?

5 A Yes.

6 Q And what was that?

7 A His involvement with, affiliation with, membership  
8 in, work for various Communist organizations cited  
9 as such by various agencies of our federal govern-  
10 ment.

11 Q And what were those organizations?

12 A Pre-eminent among them, of course, was the National  
13 Lawyers Guild. Another such organization was the  
14 Abraham Lincoln School. Another such organization  
15 was American Youth For Democracy. Another such  
16 organization was the National Committee To Abolish  
17 HUAC. Another such organization was the Joint  
18 Anti-Facist Refugee Committee. Another such  
19 organization was the Council On African Affairs.  
20 Another such organization was the Chicago Peace  
21 Council.

22 [Discussion off the record.]

23 Could I name one more outfit?

24 Q Go ahead.

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1 A Another such organization is the American Civil  
2 Liberties Union.

3 Q In answering my previous question about the organiza-  
4 tions that Mr. Gertz had been involved in, you  
5 referred to Deposition Exhibit 3. Can you tell me  
6 the source of the information which appears in those  
7 notes or sources if it's more than one?

8 A Among other sources is the source indicated on the  
9 exhibit in the upper left-hand corner: Attorney  
10 General's Guide.

11 Q Do you recall what other sources went into making  
12 up those notes which are Exhibit 3?

13 A Appendix IX issued by the House Committee On  
14 Un-American Activities, reports from Congressmen,  
15 from the Congressional Record based upon federal  
16 intelligence files.

17 Q Were those publications -- well, strike that. Where  
18 were those publications when you consulted them?  
19 For example, was it a library? Was it in American  
20 Opinion's library? Where did you go to look at  
21 these various sources of information?

22 A To the best of my recollection those particular  
23 sources that you are after we either had here in  
24 our own research department or we got from Washington.

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1 Q Are you aware that in this law suit, Gertz vs.  
2 Robert Welch, Inc., that a group of newspaper  
3 clippings were submitted to Mr. Gertz for him to  
4 agree or not agree to the authenticities thereof?

5 A No. I don't think so, no.

6 Q Let me show you a group of documents which were  
7 submitted to Mr. Gertz for the purpose of him  
8 agreeing or not agreeing to the authenticity, being  
9 a series of newspaper clippings, and my question to  
10 you is: are those clippings the clippings which you  
11 either made or caused to be made about him in pre-  
12 paring this article involving the Nuccio matter or  
13 were those documents gathered by somebody else at  
14 some other time?

15 A I really couldn't say. I read so many clippings  
16 about Mr. Gertz, about the whole incident, I just  
17 couldn't say for sure.

18 Q Do you have in your file pertaining to this article  
19 a group of newspaper clippings to which you referred  
20 in writing the article?

21 A Yes.

22 Q Could I see those?

23 A Sure.

24 [Documents handed to Mr. Giampietro.]

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1 Q You have handed me a ~~manila~~ file folder containing  
2 a number of newspaper articles. Can you tell me  
3 where you obtained these articles and clippings  
4 from which are in this folder?

5 A I can't recall exactly how I got them. No, I just  
6 can't recall how I got them.

7 Q You mentioned a number of organizations to which  
8 Mr. Gertz belonged according to the research which  
9 you did. Was this research completed by you before  
10 the time that the article appeared in print per-  
11 taining to Mr. Gertz?

12 A I suppose so.

13 Q Now, do you distinguish between organizations which  
14 are Communist, Communist front or Communist affil-  
15 iated? In other words, do you break them down  
16 into different categories within your own mind?  
17 In other words, is there a difference in degree  
18 between these various organizations and your under-  
19 standing as to their connection with Communism?

20 A You're asking me a yes-or-no question, but I don't  
21 feel a yes-or-no answer would be adequate.

22 Q Okay. Answer it in the best way you can.

23 A I think it depends entirely on the organization.  
24 In some cases what we call a Communist front is

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1 more dangerous to the United States, more subversive  
2 than an organization that is openly recognized  
3 by everyone to be communist; and the reason for  
4 that is that since it is a front, it is not  
5 necessarily as easily apparent to the observer that  
6 it is Communist, and, therefore, like the work of  
7 any con man, it has more likelihood of conning  
8 Americans into doing the work of a Communist.

9 Q Well, let me ask you about each individual organiza-  
10 tion. Maybe we can get at it that way. You mentioned  
11 that Mr. Gertz was a member of the National Lawyers  
12 Guild; is that correct?

13 A Yes.

14 Q Do you know during what period of time he was a  
15 member of that organization?

16 A Yes.

17 Q And during what period of time was he a member to  
18 your knowledge?

19 A To the best of my recollection, and very roughly --  
20 if you like, I can check into it more exactly --  
21 but to the best of my recollection he got into it  
22 in the '40s and has been in it for years as an  
23 official.

24 Q Is it your understanding that he is still a member

✓  
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1 of that organization, the National Lawyers Guild?

2 A I am not aware, I am not aware that Mr. Gertz has  
3 left the organization.

4 Q Did you attempt to determine when you were writing  
5 this article whether he was at that time still a  
6 member of that organization?

7 A Not that I recall.

8 Q What is your basis for classifying the National  
9 Lawyers Guild as being involved in any way with  
10 Communists or Communism?

11 A My basis is the verdict of the federal committee  
12 which characterized the National Lawyers Guild as  
13 "The foremost legal bulwark of the Communist Party  
14 in the United States."

15 Q What committee was that?

16 A I believe it was the House Committee On Un-American  
17 Activities, a committee of the U.S. Congress.

18 Q Do you know when that committee made that state-  
19 ment?

20 A Offhand I couldn't say when they made it.

21 Q Would you believe that anyone who is a member or  
22 was a member of the National Lawyers Guild would  
23 therefore be, himself, sympathetic to or in  
24 accord with views of Communism?

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1 A Probably.

2 Q You also named the Abraham Lincoln School as an  
3 organization in which Mr. Gertz was involved.  
4 What was the source of your information that Mr.  
5 Gertz was connected with or involved with the  
6 Abraham Lincoln School?

7 A Appendix IX.

8 Q And what is Appendix IX?

9 A Appendix IX is a publication of the House Committee  
10 On Un-American Activities.

11 Q Is there a publication date on that?

12 A 1944.

13 Q And that book indicates that Mr. Gertz was a member  
14 or affiliated in some way with the Abraham Lincoln  
15 School; is that correct?

16 A Yes, sir.

17 Q Could you find that for me?

18 A Yes, sir (Indicating).

19 MR. HELDRICH: Let the record show that  
20 the witness is pointing to Pages what, Mr. Stang?

21 THE WITNESS: First I pointed to Page 298  
22 and then I pointed to Page 300 and then I pointed  
23 to Page 302.

24 MR. GIAMPIETRO: Could we make copies of

1 those pages?

2 Mr. Heldrich: Certainly. Counsel, for the  
3 record, let us stipulate we'll make copies of that  
4 book and add them as exhibits.

5 MR. GIAMPIETRO: Let's make it Group Exhibit  
6 [Six-page document from Appendix IX of  
7 Special Committee On Un-American Activi-  
8 ties were marked Stang Group Exhibit  
9 No. 5 for identification.]

10 MR. HELDRICH: Fine.

11 Q What is your basis for concluding that the Abraham  
12 Lincoln School either is or was connected with  
13 Communists or Communism?

14 A Among other things, Appendix IX.

15 Q What are the other things besides Appendix IX that  
16 led you to that conclusion?

17 A Other government reports. Appendix IX is not the  
18 only place that the Abraham Lincoln School is  
19 mentioned.

20 Q Do you know the names of any of those other govern-  
21 ment reports or where they can be found?

22 A We probably could find them right here in our research  
23 department among many other places.

24 Q Well, are there any -- well, okay. Will you search  
for and find those other reports which indicate  
that the Abraham Lincoln School is or was involved  
with Communists or Communism?

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- 1 A ~~I'd be happy to put our research department on it.~~
- 2 Q At the time you wrote the article that we have
- 3 been speaking of, did you consult any of these
- 4 other sources of information other than Appendix
- 5 IX in regard to Mr. Gertz' connection with the
- 6 Abraham Lincoln School?
- 7 A Yes, to the best of my recollection.
- 8 Q Can you determine in any way what other specific
- 9 documents you consulted at that time?
- 10 A It would be difficult now to tell you for sure
- 11 which document I looked at simply because there
- 12 are quite a few standard reference volumes dealing
- 13 with this subject, and more than one, as I say,
- 14 would mention the Abraham Lincoln School; so,
- 15 to tell you for sure which one I may have consulted
- 16 would be very difficult to reconstruct at this late
- 17 point in time.
- 18 Q Okay. I'd like you to make a list of those which
- 19 you most likely would have consulted at that time.
- 20 MR. HELDRICH: Will you make a note of
- 21 that, Mr. Stang.
- 22 THE WITNESS: Yes.
- 23 Q What is it about the Abraham Lincoln School that --
- 24 A Excuse me.

1 Q Go ahead.

2 A Here is another one of them right here: "Guide To  
3 Subversive Organizations And Publications, December  
4 1st, 1961."

5 Q Published by whom?

6 A Published by the Committee On Un-American Activities,  
7 U.S. House of Representatives, Page 15, Abraham  
8 Lincoln School.

9 MR. GIAMPIETRO: Could we have a copy of  
10 that page made as well as the cover page and mark  
11 that as Group Exhibit 6.

12 MR. HELDRICH: Put a paper clip in there  
13 or something.

14 THE WITNESS: I've got one.

15 [Cover page and Page 15 of the Guide  
16 To Subversive Organizations and  
17 Publications dated December 1, 1961  
were marked Stang Group Exhibit No.  
6 for identification.]

18 Q What is it about the Abraham Lincoln School that  
19 led you or anyone else to your knowledge to conclude  
20 that that was a Communist front or Communist  
21 organization?

22 A Well, you're asking me to presume what was in the  
23 minds of the people on the federal committee who  
24 made that determination, and I presume that they

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1 made that determination on the basis of the  
2 activities of the Abraham Lincoln School; namely,  
3 that it was a school teaching Communism.

4 Q But you, yourself, are not aware of the underlying  
5 facts which led the House Un-American Activities  
6 Committee to conclude that this was a subversive  
7 or Communist connected school; is that correct?

8 A No.

9 Q Well, that is what I am trying to find out. What  
10 do you know about the Abraham Lincoln School that  
11 leads you to believe that it was in some way  
12 connected with Communism or Communists?

13 A I know that it was a Communist school. It was a  
14 Communist school teaching Communists. That was the  
15 purpose that it was organized.

16 Q And Appendix IX indicates on Page 302 that Elmer  
17 Gertz was a guest lecturer; correct? You can  
18 verify that if you want.

19 A No. No. On Page 300, at the head of that list,  
20 as you will recall, it says "Instructors And Guest  
21 Lecturers," which means that Mr. Gertz was either  
22 a guest lecturer or an instructor.

23 Q Well, all right. I will direct your attention  
24 to Page 302 which contains the entry: "Elmer Gertz,"

1 and after that, after ~~his name~~, appears the entry  
2 "Guest Lecturer."

3 A Okay. Fine.

4 Q So, that would indicate, I take it, that he was a  
5 guest lecturer.

6 A Exactly.

7 Q All right. Do you have any information as to what,  
8 if anything, he lectured upon as a guest lecturer  
9 for or at the Abraham Lincoln School?

10 A No.

11 Q There are, still referring to Page 302 of Appendix  
12 IX, in relation to Mr. Gertz the names of various  
13 organizations with which he was affiliated; is  
14 that correct?

15 A Yes.

16 Q Now let me ask you as to each of those organizations--  
17 and I'll set them out specifically -- whether to  
18 your knowledge any of those organizations to your  
19 knowledge either are or were connected with  
20 Communism; okay?

21 A Yes, sir.

22 Q How about the Chicago Evening American? Do you  
23 know anything about the Chicago Evening American?

24 A No.

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1 Q Do you know ~~anything about~~ the Jewish People's  
2 Institute?

3 A Yes.

4 Q What do you know about the Jewish People's Institute  
5 as to the type of organization which it is or was?

6 A The Jewish People's Institute according to the  
7 notes I made at the time was a Communist front.

8 Q And do you know the basis of that conclusion that  
9 it was a Communist front? In other words, where did  
10 you find the information that that was a Communist  
11 front?

12 A In this Guide To Subversive Organizations, on Page  
13 95 the Jewish People's Committee is listed, and  
14 to the best of my recollection, to the best of my  
15 recollection these organizations are related --  
16 Jewish People's Institute.

17 MR. GIAMPIETRO: Could we mark that page  
18 of that book, being Page 95, as Exhibit 7.

19 [Page 95 from the Guide to Subversive  
20 Organizations and Publications dated  
21 December 1, 1961 was marked Stang  
Deposition Exhibit No. 7 for identi-  
fication.]

22 THE WITNESS: Once again let's understand  
23 the fact that I am just looking in one reference  
24 volume, and there are many reference volumes which

1 contain the same information time after time after  
2 time.

3 MR. GIAMPIETRO: I understand.

4 Q What, if anything, can you tell me about the  
5 Illinois Police Association?

6 A Nothing.

7 Q What, if anything, can you tell me about the  
8 Civil War Round Table?

9 A Nothing.

10 Q You have already indicated that the National Lawyers  
11 Guild is to your understanding or was either Communist  
12 or Communistic-type organization; right?

13 A Right.

14 Q What, if anything, can you tell me about the  
15 Committee On The Press In Wartime?

16 A Nothing.

17 Q Do you have any information that the Illinois State  
18 Bar Association is or was at any time a Communist  
19 organization?

20 A Nothing.

21 Q Do you have any information that the Illinois State  
22 Historical Society was in any way involved with  
23 Communists or Communism?

24 A No.

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1 Q And how about the Abraham Lincoln Association?

2 A Abraham Lincoln Association?

3 Q Right.

4 A I don't know.

5 Q You mentioned that Mr. Gertz was affiliated with  
6 in some way the American Youth For Democracy; is  
7 that correct?

8 A Yes.

9 Q Can you tell me the source of your information that  
10 he was connected with that organization?

11 A One source is the material sent to us by Congress-  
12 man John R. Rarick.

13 Q Do you have that information that he sent to you  
14 here today?

15 A Yes, sir.

16 MR. GIAMPIETRO: Could we mark that as  
17 Exhibit 8.

18 [Two-page document headed "FOR: Honorable  
19 John R. Rarick, SUBJECT: Elmer Gertz"  
20 was marked Stang Deposition Exhibit  
No. 8 for identification.]

21 Q Where is Congressman Rarick from? What state if  
22 you know?

23 A He was born and raised, as I remember, in Indiana  
24 and later went on to Louisiana where he became a

1 Judge and then a Congressman.

2 Q Was he on the House Committee On Un-American  
3 Activities?

4 A I don't know.

5 Q How did you happen to get this document from Con-  
6 gressman Rarick? Did you ask him for it?

7 A I can't recall.

8 Q Do you know if this material -- that is, Exhibit 8 --  
9 was obtained specifically in connection with this  
10 article which you were writing on the Nuccio case  
11 or was it already here?

12 A I would guess that we got it for the article I  
13 was writing.

14 Q And do you have any reason why you would go to  
15 Congressman Rarick as opposed to anybody else?

16 A I know Congressman Rarick personally.

17 Q And do you know where he obtained the information  
18 which is set forth in Exhibit 8?

19 A I presume he got it from the House Committee.

20 [Discussion off the record.]

21 Q What can you tell me about the organization known  
22 as American Youth For Democracy? Do you know  
23 anything about its activities or its membership?

24 A It was a Communist organization designed to con

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1 as many young people, as many students as possible  
2 by means of superficially beguiling and appealing  
3 slogans into working for Communist goals.

4 Q You also mentioned that Mr. Gertz was -- well,  
5 strike that. Let me ask you this: Other than  
6 Exhibit 8, is there any other source of information  
7 of which you are aware that indicates that Mr.  
8 Gertz was involved with the organization known as  
9 American Youth For Democracy?

10 A I don't know. There may be, but offhand I can't  
11 tell you.

12 Q You also mentioned that Mr. Gertz was involved with  
13 or affiliated with the National Committee To  
14 Abolish The House Un-American Activities Committee.  
15 Where did you get that information?

16 A Here's one indication. This is a press release  
17 issued by the National Committee To Abolish HUAC  
18 they call it. It tells about a petition to  
19 abolish the Committee, and on Page 3 of the  
20 petition we see one of the people who signed the  
21 petition is Elmer Gertz.

22 MR. GIAMPIETRO: Let's mark that document  
23 as Exhibit 9 for identification.  
24

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[Six-page document headed "NEWS from.. National Committee To Abolish HUAC" dated December 6, 1964 was marked Stang Deposition Exhibit No. 9 for identification.]

Q What is the source of your information that the National Committee To Abolish HUAC is or was a Communist or Communist front or Communist affiliated organization?

A Once again from government findings. At one time, as a matter of fact, the committee was headed by a Communist Party member, identified Communist Party member.

Q Do you know what his name was?

A I can't recall his name at the moment. It might be Frank Wilkinson. It might be Frank Wilkinson. There's a good chance my memory is right, but I would have to check into it on paper.

Q This press release, Exhibit 9, talks about a petition to abolish the House of Representatives Committee On Un-American Activities; correct?

A Yes.

Q Does it automatically follow in your judgment that because a person signed this petition, he must therefore espouse the Communist doctrine or Communist aims?

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1 A Okay. Once again you have asked me a yes-or-no  
2 question, but --

3 Q Answer the best you can.

4 A -- a yes-or-no answer is not adequate.

5 Q Answer the best way you can.

✓  
6 A Okay. In my professional judgment, when I find  
7 that somebody is involved in some way with one  
8 Communist front, in the traditional American way  
9 I assume -- I will give him the benefit of the  
10 doubt and maybe he's a victim of the Communist  
11 operation, which is why these Communist fronts  
12 are formed in the first place, of course: to get  
13 as many people involved in them as possible. But  
14 when I find that a man is time after time after  
15 time involved in these activities, when I find that  
16 a man belongs to, is affiliated with, is working  
17 with, is working for, is an official of one such  
18 organization after another, then I conclude, as it  
19 seems to me the prudent man should conclude, that  
20 this particular individual knows what he's doing  
21 and is involved in these Communist activities be-  
22 cause that's what he wants to do.

23 [At 12:20 p.m., the deposition was adjourned  
24 for lunch, to reconvene at 2 p.m.]

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AFTERNOON SESSION

2:00 p.m.

1

2

Q (By Mr. Giampietro) One of the organizations that you connected Mr. Gertz with was the Joint Anti-Facist Refugee Committee; correct?

4

5

A Yes.

6

7

8

Q Can you tell me how or what the basis was for your concluding that he was involved with the Joint Anti-Facist Refugee Committee?

9

10

11

A According to my notes, he was a midwest sponsor on a letterhead of the Joint Anti-Facist Refugee Committee.

12

13

Q And do you know the source of the information from which you made your notes?

14

15

16

A Oh, I don't know. Let me see. (Pause.) The Attorney General's Guide of 1961 according to my notes.

17

18

Q That is not one of the documents or books that we have here; correct?

19

20

A It's a document. You made it a document. Is that what you mean?

21

22

Q Is it one of the books that we have already marked here today someplace?

23

A Well, no. This is my notes.

24

Q I am talking about the Attorney General's Guide.

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1 Is that one of the books which we have here?

2 A No, I don't think we have that here.

3 Q Okay. And do you know what is the source of your  
4 information that the Joint Anti-Facist Refugee  
5 Committee is a Communist-connected organization?

6 A Well, the Attorney General's Guide.

7 Q That would be the same source?

8 A Yes. Excuse me. Here's another source. Once again  
9 I have mentioned in the past that these things are  
10 found in many sources, and here is the same  
11 organization listed in the Guide To Subversive  
12 Organizations.

13 Q What page is that?

14 A Page 96.

15 [Page 96 from the Guide To Subversive  
16 Organizations dated December 1, 1961  
was marked Stang Deposition Exhibit  
17 No. 10 for identification.]

18 Q The Council On African Affairs is another organiza-  
19 tion that you connected Mr. Gertz with; correct?

20 A Yes, sir.

21 Q And what is the basis for your belief that Mr.  
22 Gertz was connected with the Council On African  
23 Affairs?

24 A The Attorney General's Guide.

Q And I take it the Guide is also at least one of

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1 the sources which leads you to believe that that  
2 organization is connected with Communists in some  
3 way or another?

4 A Yes, sir.

5 Q By the way, do you happen to know what year the  
6 Attorney General's Guide was published to which you  
7 refer or does it come out periodically?

8 A On my notes I have here 1961.

9 Q The Chicago Peace Council was another organization  
10 which you connected Mr. Gertz with; correct?

11 A Yes, sir.

12 Q And what is your source of information that he  
13 was involved in some way with the Chicago Peace  
14 Council?

15 A "Dissent and Disorder: A Report To The Citizens  
16 Of Chicago On The April 27 Peace Parade" dated  
17 August 1st, 1968, otherwise known as the Sparling  
18 Commission.

19 Q How did you happen to get a copy of "Dissent and  
20 Disorder" if you recall?

21 A I don't recall how I got it.

22 Q And what is the source of your information that the  
23 Chicago Peace Council was in some way connected  
24 with Communists or Communism?

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1 A ~~Among many other possible sources is this very~~  
2 carefully prepared report by Congressman John  
3 Schmitz in the Congressional Record, and Congress-  
4 man Schmitz mentions "Jack Spiegel, an identified  
5 member of the CPUSA dominant leaders of the Chicago  
6 Peace Council." In other words, the Chicago Peace  
7 Council is run by Communists, a fact which isn't  
8 very much in dispute as I understand it.

9 Q And you're referring to an excerpt from the  
10 Congressional Record dated April 21, 1971; correct?

11 A Yes.

12 Q Specifically Page --

13 A Page H2814 contains the quotation I just read to you.

14 MR. HELDRICH: Mr. Stang, you couldn't have  
15 referred to that. That was after the date of  
16 publication of your article.

17 THE WITNESS: That's right. Should I go  
18 on?

19 MR. HELDRICH: Go ahead.

20 A I didn't refer in the preparation of my article  
21 obviously to this specific mention. I just have  
22 that here today because, as I said a moment ago,  
23 it's one of enumerable indications of the fact  
24 that the Chicago Peace Council headed by Communist

1 Party member Jack Spiegel is obviously a Communist  
2 organization.

3 MR. GIAMPIETRO: Off the record.

4 [Discussion off the record.]

5 MR. GIAMPIETRO: Let's mark as Exhibit 11  
6 Pages H2811 through H2815 of the Congressional  
7 Record of April 21, 1971.

8 [Pages H2811 through H2815 from the  
9 Congressional Record were marked  
10 Stang Deposition Exhibit No. 11 for  
11 identification.]

12 Q Mr. Stang, in your article you state -- by the way,  
13 before I ask you that, let me ask you this: did  
14 the article Frame-Up, as it appeared in the magazine  
15 American Opinion, appear in the same form in which  
16 you wrote it, yourself, or were there any substantial  
17 changes from the manuscript which you submitted?

18 A None that I know of.

19 Q By the way, do you have a copy of the manuscript  
20 which you submitted?

21 A No.

22 Q Do you know if American Opinion or anyone at  
23 American Opinion would have a copy of the manuscript?

24 A I don't know.

MR. HELDRICH: Counsel, we have under search

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1 ~~right now~~ for the galley proofs and mock-ups that  
2 you had requested on a motion to produce, and we're  
3 making an investigation to see whether they're  
4 still available.

5 Q I take it you did not keep a copy of your manuscript  
6 for your files?

7 A No.

8 Q In your article in Frame-Up -- and I believe it's  
9 Page 5 -- you say, talking about Mr. Gertz, that,  
10 "... He has been an official of the Marxist League  
11 for Industrial Democracy, originally known as the  
12 Intercollegiate Socialist Society, which has  
13 advocated the violent seizure of our government."

14 Does that sound like a correct representa-  
15 tion of what you wrote, first of all?

16 A If you are reading it from my article, counselor,  
17 I will take your word that's what it says.

18 Q Okay. Now, you referred to the Marxist League  
19 for Industrial Democracy. Is that the actual name  
20 of that organization or have you added anything to  
21 that name in writing about it?

22 A Yes.

23 MR. HELDRICH: Yes what?

24 THE WITNESS: I have added.

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1 Q What did you add to the name?

2 A The word "Marxist."

3 Q So, the name of the organization to which you refer  
4 as it styles itself is the League for Industrial  
5 Democracy.

6 A Yes, sir.

7 Q What is your source or was your source of information  
8 that Mr. Gertz was in any way connected with the  
9 League for Industrial Democracy?

10 A That fact was mentioned to me by the police officer  
11 who went into police intelligence.

12 Q Which information he purportedly obtained from the  
13 police files.

14 A Yes, sir.

15 Q By the way, do you know if this police officer who  
16 obtained this information for you from the Chicago  
17 Police files was a member of the John Birch Society?

18 A I don't know.

19 Q You have added to the name of this organization  
20 the descriptive language, shall we say, "Marxist"  
21 in writing your article; correct?

22 A Yes, sir.

23 Q Is there any difference in your mind between  
24 applying the label "Marxist" to an organization as



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1       opposed to "Communist"?

2       A     In a sense, yes.

3       Q     And can you explain the difference?

4       A     Yes. When I put the word "Marxist" in front of an

5             organization, very often I am using it to describe

6             an organization that believes in and is working for

7             the same principles as the Communists but that has

8             not necessarily been publicly, authoritatively

9             well identified, possibly by some government agency,

10            as a Communist Party organization, although there

11            would maybe be very good reason to believe that

12            it is.

13       Q     By the way, when you refer to an organization as

14             being either Communist or Communist front, do you

15             mean merely the ideology, Communism or do you refer

16             to something other than just the ideological bent

17             of the people involved?

18       A     Yes, I do. I am referring to the type of organi-

19             zation, when I use the frame "Communist front,"

20             the type of organization that is a part of the

21             Communist movement and apparatus, and to refer back

22             to something I said earlier, this particular organi-

23             zation may not be identified by the innocent observer

24             at first glance as a Communist organization, although

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1 in many cases ~~these Communist fronts once again~~  
2 will be more important than an organization that  
3 everybody knows is Communist.

4 Q Now, you referred, I think, in answering my question  
5 just now to the Communist movement; is that correct?

6 A Yes, sir.

7 Q How do you define the Communist movement as you  
8 speak of it?

9 A Communist movement refers to the individuals and the  
10 organizations who are working in one way or another  
11 toward the Communist goals.

12 Q And in using that term, do you intend to convey  
13 the idea that this is a movement which is supra-  
14 national? That is, involving people other than  
15 just those within the United States?

16 A Yes, sir.

17 Q And who would you include within the Communist  
18 movement insofar as other countries are concerned?  
19 What kinds of people? I am not asking for individual

20 A Counselor, I'm sorry. Would you please redraw that  
21 question? I don't quite get what you were after  
22 there.

23 Q Well, I guess what I am trying to ask you is when  
24 you speak of the Communist movement, what groups

1 of people in what countries does that encompass?

2 A It refers to groups of people and organizations  
3 in the United States, in Communist China, in various  
4 European countries, Soviet Union, in one country  
5 after another around the world.

6 Q Which you believe are all more or less working to-  
7 gether towards certain aims; correct?

8 A Without any doubt; correct.

9 Q And what are the aims towards which the Communist  
10 movement is working in your understanding?

11 A The Communist movement is working for world-wide  
12 totalitarian dictatorship over every country, over  
13 all people, over every individual on earth.

14 Q And as you understand it, is this an ideological  
15 movement? That is, is the force behind this move-  
16 ment one of a belief that this is the best system  
17 for all people to be involved in or is it based  
18 upon the mere acquisition of power for a certain  
19 group or groups of individuals?

20 A In my experience as a professional whose business  
21 it is, I have found that the Communist movement  
22 is based upon a conspiracy, upon the dictionary  
23 definition of a conspiracy, on the legal definition  
24 of a conspiracy, which is two or more people working

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1 ~~together in secret towards an evil end, the evil~~  
2 end being the ruthless enslavement of all people  
3 on earth.

4 Q So, I take it that your view of the Communist  
5 movement is not a democratic Communism in the  
6 sense of democracy; is that correct?

7 A In my view there is no basic difference whatsoever,  
8 no basic difference between Communism and Nazism.  
9 They are both left-wing extremist movements,  
10 totalitarian movements. They both have as their  
11 basis a pseudo-phony socialist ideology. They both  
12 have had as their goal the total enslavement of  
13 the people.

14 Q So, you would characterize the Communist movement  
15 and what it's attempting to gain as the antithesis  
16 to individual liberty for the individual.

17 A Absolutely; yes, sir.

18 Q I don't know if I asked you this. What is your  
19 source of information that the League for Industrial  
20 Democracy is a Marxist organization?

21 A My source is my reading year after year after year  
22 of the publications of the League for Industrial  
23 Democracy, of the fact, for example, that the  
24 chairman of the League for Industrial Democracy at

✓  
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1 ~~one time was Michael Harrington who also was the~~  
2 head of the Socialist Party; on the fact, for  
3 example, that one of the leaders of the League  
4 for Industrial Democracy was Reinhold Niebuhr, an  
5 advocate of the violent seizure of the American  
6 government.

7 Q And I think you said that your information --

8 A Excuse me. And on the fact -- these are just a  
9 few examples -- on the fact that the League for  
10 Industrial Democracy originally was known as the  
11 Intercollegiate Socialist Society founded in 1905  
12 by such people as William Z. Foster who later became  
13 head of the Communist Party-USA, and Elizabeth  
14 Gurley Flynn who also became head of the Communist  
15 Party-USA.

16 Q Does it necessarily follow that just because an  
17 organization was in its inception founded by people  
18 who were then or became Communists would necessarily  
19 continue to be a Communist-oriented organization?

20 A If you pressed me, I couldn't name an example  
21 offhand to the contrary.

22 Q And you believe that the American Civil Liberties  
23 Union, for example, is today a Communist or  
24 Communist front organization?

✓ 1 A ~~I believe that the American Civil Liberties Union~~  
2 today is doing what it was created by the Communists  
3 to do in the very beginning.

4 Q And what is that?

✓ 5 A That is to give the government more and more power  
6 over the people, to pervert our Constitution, our  
7 great system of jurisprudence, of constitutional  
8 liberties that has made our country the greatest  
9 in the history of the world.

10 Q In preparing your article Frame-Up, did you review  
11 any of the court files of the civil cases in which  
12 Elmer Gertz represented the parents of Ronald Nelson?

13 A No, sir.

14 Q Where did you get your information which appeared  
15 in your article about those civil cases which were  
16 filed which you mentioned?

17 A As I believe I said earlier, I got them from conver-  
18 sation with people in the area and from clippings.

19 Q Other than reviewing the transcript of testimony  
20 in the criminal trial of Richard Nuccio which you  
21 already referred to, did you review any of the  
22 other court documents in connection with that case,  
23 the criminal case?

24 A It's possible I did, but I can't remember exactly.

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1 I read all the documents Mr. Echeles made available  
2 to me.

3 Q In addition to reviewing those documents, did you  
4 have any discussions with Mr. Echeles about the  
5 case?

6 A No, sir.

7 Q Did you have any discussions with any other attorneys  
8 for Richard Nuccio about the case?

9 A No, sir.

10 Q Did you ever contact or attempt to contact Elmer  
11 Gertz --

12 A No, sir.

13 Q -- in preparing this article?

14 A No, sir.

15 Q Did you know or did you attempt to find out if  
16 there were any other attorneys representing the  
17 Nelson family in the civil suits which were brought  
18 against Richard Nuccio?

19 A My understanding at the time, and still is, was  
20 that Mr. Gertz was the only attorney as far as I  
21 knew.

22 Q Did you ever hear in connection with this case, the  
23 Nuccio case, of the name of an attorney named  
24 Ralla Klepak?

✓  
Doris O. Wong Associates

1 A Yes, sir.

2 Q And in what connection did you hear of that attorney?

3 A I couldn't recall without looking at my article. I  
4 do recall that that attorney had something to do  
5 with the case, and I think the attorney is mentioned  
6 in the article.

7 Q I'd be glad to let you review the article. I don't  
8 believe that attorney is mentioned in the article.

9 A Oh, well, perhaps I misremembered; but in answer  
10 to your question, I have heard of that attorney,  
11 yes, with regard to this case.

12 Q Do you recall what you heard about that attorney  
13 in connection with the Nuccio case?

14 A No, sir.

15 Q In your article you say, referring to Page 2, that  
16 friends of Ronald Nelson began holding private  
17 meetings at the home of Judy Rankin where they got  
18 some expert public relations and legal assistance  
19 resulting, for example, in a leaflet headed "We  
20 don't like the Nelson killing."

21 Do you know where you obtained that in-  
22 formation?

23 A That I got from people I talked to in Chicago.

24 Q Do you recall any of the specific people who gave



1 you that information?

2 A Well, I have something in my mind that may be the  
3 answer, but I hesitate to say it because maybe I'm  
4 wrong. Maybe I misremember.

5 Q Well, the best you can give us is your best re-  
6 collection.

7 A I think -- and maybe I am mistaken -- but to the  
8 best of my recollection I got this from one of the  
9 officers at the station house among other people  
10 who told me this. I think I recall one of the  
11 officers saying this.

12 Q Do you know or do you have any information who  
13 provided the expert public relations and legal  
14 assistance to these various young people?

15 A I can't recall.

16 Q Did you have any information that Mr. Gertz provided  
17 either public relations or legal assistance to any  
18 of these people?

19 A I don't know.

20 Q Now I'm referring to Pages 4 and 5 of your article  
21 where you say, "By now you are thinking that there  
22 is more to this matter than some teenagers hanging  
23 around a hot dog stand. Teenagers at a hot dog  
24 stand would not know how to arrange the carefully

orchestrated ~~publicity~~ the case soon acquired.

And of course you are correct. They wouldn't.

"But Elmer Gertz for instance would. On behalf of the Nelson family, Attorney Gertz has filed three suits against Officer Nuccio and the City of Chicago, two in State Court and one under the Federal Civil Rights Act, asking for a total of almost a million dollars."

In writing that, did you mean to imply that Mr. Gertz was in fact involved in orchestrating any publicity attendant to the Nuccio case?

A I was simply trying to convey what the words say, which was that Mr. Gertz would have the capability, the expertise to do that, whereas, obviously these youngsters would not.

Q Did you have any information at the time you wrote the article that Mr. Gertz did in any way become involved in providing any publicity to the Nuccio case?

A I did in the sense that it was being written about that Mr. Gertz was the attorney involved, one of the attorneys involved.

Q He was involved in the civil cases; is that correct to your understanding?

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1 A Yes, ~~as I understand it~~; yes.

2 Q Do you know if he had any involvement in the criminal  
3 case against Richard Nuccio?

4 A I don't know.

5 Q What leads you to believe that Mr. Gertz would have  
6 the capability of obtaining publicity for a case  
7 such as this?

8 A The fact that Mr. Gertz is a professional man. He's  
9 an attorney. He's a writer. He's written several  
10 things in the past, and he also strikes me as a  
11 man who is very, very fond of publicity and has  
12 generated a not inconsiderable amount of publicity  
13 for himself and other causes in the past.

14 Q By the way, have you ever met Mr. Gertz?

15 A No, sir.

16 Q Or have you ever talked to him?

17 A No, sir.

18 Q You also state in your article -- and again I am  
19 quoting from Page 5 -- "Gertz also was a pallbearer  
20 for Jack Ruby, the 'lone fanatic' who killed the  
21 'lone fanatic' who killed the President of the  
22 United States."

23 Did you place the quotation marks around  
24 the words "lone fanatic" in writing the article?

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1 A If they are in the magazine, I presume I did.

2 Q Did you intend to communicate anything in particular  
3 in quoting those words; that is, putting them in  
4 quotation marks?

5 A Most definitely.

6 Q And what did you intend to convey?

7 A I intended to convey that I share the belief of  
8 a growing number of concerned Americans, more and  
9 more all the time, millions and millions at this  
10 stage of the game, who realize that Lee Harvey Oswald  
11 was not a lone fanatic as we are constantly told  
12 he was; that he was part of a conspiracy to kill  
13 our President and that Jack Ruby was also part of  
14 a conspiracy to eliminate one of the perpetrators  
15 of the crime of killing our President so that  
16 Oswald would not be able to tell us who the other  
17 people involved in the assassination of our  
18 President were.

19 Q And you believe that Jack Ruby's actions in killing  
20 Oswald were part of the larger conspiracy which  
21 also led to the killing of President Kennedy?

22 A Yes, sir, I believe that.

23 Q Now, in noting that Mr. Gertz was a pallbearer for  
24 Jack Ruby, did you intend to convey that he was

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1 somehow involved in that conspiracy?

2 A Now, which conspiracy are you referring to now?

3 Q The conspiracy involving Jack Ruby and Lee Oswald  
4 and the killing of President Kennedy.

5 A No, sir.

6 Q Were you aware of the fact that Mr. Gertz was one  
7 of the attorneys for Jack Ruby at some point in  
8 time?

9 A Yes, sir, I think so.

10 Q The thesis of your article -- that is, Frame-Up --  
11 was, was it not, that the conviction of Officer  
12 Nuccio was the result of concerted action to convict  
13 someone who was in fact innocent of crime; right?

14 A Yes, sir.

15 Q Did you intend to convey in writing the article  
16 that Elmer Gertz was a part of that conspiracy?

17 A Not necessarily.

18 Q Well, you say not necessarily. What do you mean  
19 by that? I mean did you intend to imply that he  
20 was perhaps a part of that conspiracy?

21 A No. I merely meant to put down the facts that I  
22 knew. There are many facts about this case, hidden  
23 facts, that I would like to be able to put down  
24 that I don't know; but in the article I concentrated

1 ~~strictly on putting down what I knew.~~

2 Q Well, didn't you mean to imply in this article  
3 that Mr. Gertz was in fact somehow involved in the  
4 frame-up of Richard Nuccio?

5 A No, sir, not necessarily.

6 Q Well, what then is the import of your language  
7 in the article that, "In fact, the only thing  
8 Chicagoans need to know about Gertz is that he is  
9 one of the original officers, and has been vice  
10 president, of the Communist National Lawyers Guild -  
11 which has been described by the House Committee  
12 On Un-American Activities as 'one of the foremost  
13 legal bulwarks of the Communist Party' - and which  
14 probably did more than any other outfit to plan  
15 the Communist attack on the Chicago Police during  
16 the 1968 democrat (sic) convention"?

17 A When I wrote that, I was simply putting together a  
18 few sets of facts that I think are vitally important  
19 to the people of Chicago and to the people of the  
20 United States; namely, one, we know that there is  
21 a concerted Communist attempt to attack the police,  
22 to destroy the local police; two, Officer Nuccio  
23 apparently was selected as a victim of that con-  
24 certed attack; three, Mr. Gertz has a provable,

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1 demonstrable record of these Communist activities  
 2 and associations, and I think that that is a  
 3 sensible body of information that the people should  
 4 know about.

5 Q You also say in the article that Mr. Gertz "... was  
 6 active at the inquest, which had the flavor of a  
 7 trial."

8 Now, I take it you're referring to the  
 9 inquest upon the death of Ronald Nelson; is that  
 10 correct?

11 A Yes, sir.

12 Q What is the source of your information that Mr.  
 13 Gertz was active at the inquest?

14 A I was told that by people in Chicago. I may have  
 15 read it somewhere in addition to being told about  
 16 it.

17 Q And what did you mean when you said that the inquest  
 18 had the flavor of a trial?

19 A To the best of my recollection, what I read at the  
 20 time and what I was told at the time indicated that  
 21 the inquest was not so much what it was supposed  
 22 to be as an inquest; namely, to find out what the  
 23 cause of death was, but that it had already developed  
 24 into a type of adversary proceeding, the victim of

1 which was Richard Nuccio.

✓  
2 Q Were you aware that, under Illinois law at the  
3 time, a coroner's jury on an inquest could make  
4 and in certain circumstances had the duty to make  
5 recommendations for prosecution to the state's  
6 attorney, depending upon what information came out  
7 at the inquest?

8 A No, sir.

9 Q On Page 12 of your article you say, "The C.P.C.,"  
10 referring to the Chicago Police Council --

11 MR. HELDRICH: Peace; not police.

12 Q I'm sorry. Chicago Peace Council. Excuse me. --  
13 "as you will recall, is the Communist outfit headed  
14 by a Communist and defended by Leninist Elmer Gertz,  
15 who now turns up as lawyer for the Nelsons."

16 What, if any, distinction is there in your  
17 mind between Communist and Leninist?

18 A My understanding of court decisions is that we are  
19 not supposed to describe somebody as a Communist  
20 unless he's found to have a Party card or to have  
21 been seen in a closed Communist meeting. In my  
22 opinion this is a totally nonsensical, ridiculous  
23 definition, but that is my understanding of legal  
24 rulings on the subject. When I use the phrase,

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1 the term "Leninist," I would be referring to some-  
2 body who might not necessarily be a member of the  
3 Communist Party and have that nonsensical Party  
4 card, but who might be doing more for the Communists  
5 and be more valuable to the Communists than some-  
6 body who did have a Party card.

7 Q Upon what -- well, strike that.

8 When you refer to Elmer Gertz as a Leninist  
9 then, you are attributing to him those views which  
10 are held by Communists as well; correct, or not?

11 A I am using that term in that regard on the basis  
12 of his activities, his associations and affiliations  
13 over many years.

14 Q Well, what I am saying is when you refer to some-  
15 one as a Leninist, do you attribute to him the same  
16 vice that you would attribute to a Communist? Is  
17 that correct?

18 A That's fair to say, I guess.

19 Q And your basis for calling Mr. Gertz a Leninist  
20 is his connection with these various organizations  
21 that we have already talked about today.

22 A His connection, his activities, his work for these  
23 organizations, yes.

24 ✓ Q In preparation for writing this article on the

1 Nuccio matter, did you read any of the things  
2 which Mr. Gertz had written?

3 A No, sir.

4 Q Are you aware of any writings or writing by Mr.  
5 Gertz?

6 A I'm aware that he's written some things.

7 Q✓ Are you aware of the names of any specific things  
8 which he has written?

9 A No, sir, other than the report that I mentioned  
10 earlier in our colloquy.

11 Q "Dissent and Disorder."

12 A Yes, sir.

13 Q Do we have a copy of that around here?

14 A Yes, sir.

15 Q Well, do you know if Mr. Gertz in any way helped  
16 to write the report which is entitled "Dissent and  
17 Disorder"?

18 A Well, on the title page, I guess you'd call it, is  
19 Mr. Gertz' name as chief counsel; so, I guess it's  
20 reasonable to assume he had something to do with  
21 the preparation of the report.

22 Q Is there anything in that report which you believe  
23 espouses the Communist or Leninist doctrine?

24 A Yes, sir.

*Doris O. Wong Associates*

Doris O. Wong Associates

1 Q And without getting into specifics, can you tell  
2 me generally what's in that report that so espouses  
3 the Communist or Leninist doctrine?

4 A Generally the purpose of that report and the effect  
5 of that report is to defend and absolve the Chicago  
6 Peace Council and to attack, demean and demoralize  
7 the Chicago Police Department, which is part of  
8 the long-range Communist program to destroy our  
9 local police, controlled by local people and to  
10 replace those local police with a national police  
11 force controlled in Washington by our federal  
12 government which the Communists hope would perform  
13 the same role here as the Geheime Staatspolizei  
14 performed in Nazi Germany, National Socialist  
15 Germany, and as the KGB performs today in Soviet  
16 Russia and as any national police force performs  
17 in a dictatorship.

18 Q That report -- that is, 'Dissent and Disorder' --  
19 deals with a certain limited series of events in  
20 point of time, does it not, having to do with the  
21 Democratic Convention in Chicago and a period of  
22 time shortly before that convention?

23 A Yes, sir. April 27, 1968; shortly before.

24 Q Right. Would it not be an equally viable thesis

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1 ~~that the purpose of that report would be to point~~  
2 out shortcomings in the Chicago Police Department's  
3 activities with a view toward strengthening the  
4 department and correcting any possible abuses  
5 which occurred during that period of time?

6 A In my professional opinion that report, taken in  
7 the context, in the context of so many other things  
8 that have been happening around the world, in the  
9 United States and in Chicago, particularly with  
10 reference to the incredible spectacle of what  
11 happened at the convention, indicate that the  
12 report fits in perfectly with what I said a moment  
13 ago. In other words, it's not an isolated incident.  
14 It's not an isolated report. It fits in with what  
15 the police officer calls the modus operandi, the  
16 "MO" of what we have seen happening around the  
17 country, around the world and in the United States  
18 and especially in Chicago.

19 Q Aside from "Dissent and Disorder," are you aware  
20 of any other writings by Elmer Gertz which espouse  
21 or further the Communist or Leninist doctrine or  
22 aims?

23 A As I said a moment ago, I am aware that Mr. Gertz  
24 has written other things, but I haven't read them.

Doris D. Wong Associates

1 Q ~~I believe you said that you went to Chicago twice~~  
2 or perhaps three times in connection with pre-  
3 paring this article; is that right?

4 A Yes, sir; that's what I said.

5 Q Do you know how long a time, period of time  
6 elapsed between the first visit to Chicago and  
7 the second visit to Chicago?

8 A No, sir.

9 Q I believe also that you said you did some research  
10 in between the first visit and the second visit  
11 in connection with this article; is that right?

12 A I'm sure it is.

13 Q Do you recall what kind of research you did between  
14 those two visits?

15 A No, sir.

16 Q Why did you find it necessary to go to Chicago on  
17 more than one occasion in connection with preparing  
18 this article?

19 A Probably -- and I am guessing here -- probably I  
20 had other commitments in terms of scheduling that  
21 I had to honor, so I had to come back.

22 Q And I believe you said you can't pinpoint who you  
23 spoke to in regard to the subject matter of the  
24 Nuccio case on the first trip and who you spoke to

1 on the second trip.

2 A No, sir, I can't because I have been to Chicago so  
3 many, many, many countless, countless times and  
4 for that reason, naturally, it all blends together  
5 in my mind as to what occasion I was there to do  
6 what since I have been in Chicago so many, many  
7 times.

8 Q On Page 17 of the article Frame-Up, you say, "Two  
9 Chicago Assistant Corporation Counsels warned  
10 Nuccio not to testify at the coroner's inquest,  
11 for fear what he said might jeopardize their defense  
12 against Communist-fronter Gertz."

13 Do you know where you got that information?

14 A No, sir.

15 Q Do you know if the civil suits had been filed by  
16 Mr. Gertz on behalf of the Nelsons at the time of  
17 the inquest?

18 A No, sir.

19 Q Do you know who the Assistant Corporation Counsels  
20 were who warned Nuccio not to testify at the  
21 coroner's inquest?

22 A At this point in time I don't recall.

23 Q Would you have any notes which would help refresh  
24 your recollection on that score?

*Doris O. Wong Associates*

Doris O. Wong Associates

1 A No. No, I don't.

2 Q Well, can you tell me what the basis was of your  
3 saying that Nuccio was warned not to testify at  
4 the coroner's inquest because of what Mr. Gertz  
5 was doing or might do?

6 A I don't know. It may be that -- well, undoubtedly  
7 someone in Chicago told me this, but I can't recall  
8 who it was.

9 Q Wouldn't it be as reasonable a thesis that if Mr.  
10 Nuccio was warned not to testify, that he was  
11 warned not to testify because of any possible  
12 criminal jeopardy he may have placed himself in  
13 as opposed to any civil suits that Mr. Gertz was  
14 involved with?

15 A That I wouldn't be able to say.

16 Q What was the status of the Nuccio case, the criminal  
17 case, at the time you were preparing your article?  
18 Do you know?

19 A To the best of my recollection Nuccio had been  
20 convicted and was appealing as I remember it now.

21 Q Do you remember what the status of the civil cases  
22 against Richard Nuccio were at that point in time?

23 A They were somewhere in the legal machinery as far  
24 as I remember. They were at some point in the

1 legal process.

2 Q Do you know if any of those suits had been con-  
3 cluded as of that time?

4 A No, sir.

5 Q Do you know what, if any, was the ultimate outcome  
6 of any of the civil suits against Richard Nuccio?

7 A No, sir, I don't.

8 [Discussion off the record.]

9 [Short recess.]

10 Q Mr. Stang, you mentioned that you are also involved  
11 from time to time in making speeches in various  
12 places about the country; is that correct?

13 A Yes, sir.

14 Q Is that on behalf of any organization or is it just  
15 on behalf of yourself?

16 A May I just describe how it works and then you decide?

17 Q Sure.

✓ 18 A I make my speeches in conjunction with the American  
19 Opinion Speakers' Bureau, which is a speakers' bureau  
20 like any other. It is the largest speakers' bureau  
21 in the world, and local people running local  
22 committees, as any other speakers' bureau functions,  
23 will request me on a certain subject and the  
24 speakers' bureau will put together a speaking tour

*Doris O. Wong Associates*



1 and I go out, go from town to town and make my  
2 speeches in exactly the same way any speaker would  
3 in conjunction with any speakers' bureau.

4 Q Are you paid a fee for your speeches?

5 A I am paid a fee.

6 Q And does the speakers' bureau receive any part of  
7 that fee or any other fee in connection with its  
8 work in putting this tour together?

9 A The speakers' bureau receives part of the fee that  
10 the customer pays. Once again, that is standard  
11 in speakers' bureaus. Yes.

12 Q From whom do you receive your fee? Do you receive  
13 it from the individual or do you receive it from  
14 the speakers' bureau?

15 A No. I receive it from the speakers' bureau. The  
16 speakers' bureau -- once again, this is standard  
17 of any speakers' bureau. The speakers' bureau  
18 sends the customer, the committee, the local  
19 organization in the local town a bill. The local  
20 customer pays that bill for my having spoken there.  
21 The speakers' bureau keeps part of that bill,  
22 which I guess would be characterized fairly as an  
23 agent fee, and then I get my fee out of the amount  
24 that the customer sent in.

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1 Q You stated that Mr. Stanley asked you to write an  
2 article about the Nuccio case; correct? Asked  
3 you to investigate for the purpose of determining  
4 whether there was an article there to be written.

5 A Yes.

6 Q Did he indicate to you anything about the timing  
7 of any article which you might write insofar as  
8 publication date is concerned?

9 A Not that I recall.

10 Q He didn't, for example, say, "I'd like to have an  
11 article for such and such issue of the magazine"?

12 A Well, he may have said "This will be your piece  
13 if you accept the assignment for such and such  
14 an issue." It's possible he said that. I can't  
15 recall.

16 Q But you don't recall him ever having said anything  
17 to you about timing being important insofar as  
18 when the article would be published?

19 A Not that I recall.

20 Q Other than your first conversation with Mr. Stanley  
21 when you received the assignment, did you have any  
22 other discussions with him about the publication  
23 of the article?

24 A To the best of my recollection I probably talked

1 with him again later and told him that yes, indeed,  
2 there was an exciting story to be published based  
3 upon the incident in Chicago.

4 Q In connection with the article, itself, there is  
5 a photograph of Mr. Gertz which appears on Page 9.  
6 Do you know how the publisher, American Opinion,  
7 obtained that photograph?

8 A No, sir.

9 Q There are captions which appear under various of  
10 the photographs which are in the article. Did you  
11 have anything to do with the writing of the  
12 captions under the photographs?

13 A No, sir.

14 Q The caption under Mr. Gertz' picture reads, "Elmer  
15 Gertz of Red Guild harasses Nuccio." Do you know  
16 what the Red Guild that's referred to there is?

17 A Bearing in mind once again, as I just said, that  
18 I have nothing to do, had nothing to do with the  
19 composition of the captions, it seems obvious that  
20 the word "Guild" there refers to the Communist  
21 National Lawyers Guild described by the House  
22 Committee On Un-American Activities as "the fore-  
23 most legal bulwark of the Communist Party in the  
24 United States."

*Doris O. Wong Associates*

Doris O. Wong Associates

1 Q Were you aware that reprints of your article,  
2 Frame-Up, were distributed by American Opinion?

3 A Yes, sir.

4 Q Is it common for American Opinion to distribute  
5 reprints of articles which appear in it?

6 A Yes, sir.

7 Q Do you receive any additional compensation as the  
8 author for any reprints which are distributed?

9 A No, sir.

10 Q By the way, have you written anything about the  
11 Nuccio case subsequent to writing the article,  
12 Frame-Up?

13 A Not that I recall.

14 Q Well, would you search through whatever files you  
15 have to see if you have written anything which has  
16 been published?

17 A I am very sure that I have written nothing.

18 Q Have you written anything about this present law  
19 suit, Elmer Gertz versus Robert Welch, Inc.?

20 A No, sir.

21 Q Do you know if anyone from American Opinion or  
22 The Review of the News has written anything about  
23 this case?

24 A I don't believe so. I read every issue of the

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1 publications and I don't recall ever either writing  
2 one myself, as I say -- I just don't recall it --  
3 or reading one. We could establish beyond any  
4 question simply by looking at the issues, but I  
5 don't recall any.

6 Q Given what you understand to be the Communist line,  
7 shall we say, do you believe an attorney who is,  
8 in your judgment, a Communist or a Leninist, could  
9 properly represent individuals who have property  
10 interests to be protected?

11 MR. HELDRICH: I think I will object to  
12 that question, counsel, and instruct the witness  
13 not to answer it.

14 MR. GIAMPIETRO: Off the record.

15 [Discussion off the record.]

16 Q Well, do you believe that it is inconsistent for  
17 an attorney who has sworn to uphold the Constitution  
18 of the United States to hold that position and to  
19 espouse Communist or Leninist principles?

20 MR. HELDRICH: I will object to that  
21 question and also instruct my witness not to answer.

22 Q In preparing this article, did you discuss with  
23 anyone their knowledge of Elmer Gertz' reputation  
24 in the community in which he lived? That is, the

1 Chicago area.

2 A Yes.

3 Q Do you recall the names of any individuals?

4 A I probably discussed them with Mrs. Woodward and  
5 I remember asking someone in our research Department  
6 about him.

7 Q What did Mrs. Woodward say to you about Elmer Gertz'  
8 reputation as you can recall?

9 A I can't recall.

10 Q Do you recall anything that anyone told you about  
11 Elmer Gertz reputation in his community; that is,  
12 the Chicago area?

13 A I recall being told -- by whom I am not sure -- I  
14 recall being told here, once again, as I said a  
15 moment ago, that Mr. Gertz had a long record of  
16 Communist associations.

17 Q Did you ever discuss with anyone his reputation as  
18 an attorney?

19 A Not that I recall.

20 Q Do you know whether Mr. Gertz made any public  
21 pronouncements of any kind in connection with the  
22 Nuccio case?

23 A No, sir, I don't know.

24 Q Do you know if he made any statements to the press

1 in connection with the Nuccio case?

2 A I don't know.

3 Q You are aware of a publication, are you not,  
4 entitled "Who's Who In America"?

5 A Yes, sir.

6 Q Did you consult that publication in connection  
7 with your research into who Mr. Gertz was, what  
8 he had done, things of that nature?

9 A No, sir.

10 Q Did you speak to any of the state's attorneys  
11 who were involved in the prosecution of Richard  
12 Nuccio in your preparation for the article?

13 A I talked with them, but I can't recall at what  
14 point I talked with them. You added that phrase  
15 "in the preparation of the article." I can't  
16 recall when I talked to them. I did talk to them.

17 Q What, if anything, did they tell you about the  
18 Nuccio case?

19 A I suspect they told me nothing of import because I  
20 can't remember anything that they said.

21 Q Other than this article on the Nuccio case, have  
22 you ever written any other article which contains  
23 any reference to or suggestion about Elmer Gertz?

24 A No, sir.

Doris O. Wong Associates

1 Q Have you ever mentioned Mr. Gertz in any of your  
2 speeches or radio shows?

3 A No, sir.

4 Q Other than the notes which we have previously  
5 marked as exhibits to this deposition, do you have  
6 any other notes regarding the preparation of this  
7 article?

8 MR. HELDRICH: There are some things,  
9 counsel, which I brought in with me from Chicago  
10 which I will tell you offhand that Mr. Stang did  
11 not have in the preparation of his article. I will  
12 just pull those out. Okay?

13 MR. GIAMPIETRO: Sure.

14 MR. HELDRICH: At least, as far as I know,  
15 he didn't have them in the preparation of his  
16 article because I obtained them from the Secretary  
17 of State's office and the County Recorder's office.

18 Q Right now all I am asking about is your notes which  
19 you, yourself, created.

20 A No, sir.

21 Q Do you have any other notes or documents which were  
22 given to you by any person in specific reference  
23 to the Nuccio case?

24 MR. HELDRICH: I obtained that from the ACLU.

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1 I don't know whether he may have read it before.  
2 You may want to ask him that, but I brought that  
3 with me.

4 Q Referring to the publication called "Law And  
5 Disorder: The Chicago Convention And Its After-  
6 math" --

7 MR. HELDRICH: Excuse me, counsel. Off the  
8 record.

9 [Discussion off the record.]

10 MR. GIAMPIETRO: Let's mark this as  
11 Deposition Exhibit 12. It says "CHICAGO POLICE  
12 INTELLIGENCE CONFIDENTIAL REPORT, Elmer Gertz,"  
13 one page.

14 MR. HELDRICH: Undated, unsigned.

15 MR. GIAMPIETRO: Right.

16 [Document captioned in the upper left-  
17 hand corner "CHICAGO POLICE INTELLI-  
18 GENCE CONFIDENTIAL REPORT, Elmer Gertz"  
was marked Stang Deposition Exhibit  
No. 12 for identification.]

19 Q Mr. Stang, I'll show you what's been marked for  
20 identification as Deposition Exhibit No. 12 and  
21 ask you if you can tell me how and when you obtained  
22 that document.

23 A I can't recall.

24 Q Do you have any idea who you got it from?

1 A I just can't recall.

2 Q It says that Elmer Gertz was a sponsor of a Salute  
3 To Young Americans Dinner for the American Youth  
4 For Democracy which has been cited as Communist  
5 and subversive, and then in parentheses it says  
6 "(see guide page 33)."

7 Do you know what guide that document refers  
8 to?

9 A No, sir.

10 Q It appears to be referring to the Guide To Sub-  
11 versive Organizations and Publications.

12 A Yes, sir.

13 Q Part of which we have previously marked as exhibits  
14 here.

15 A Yes, sir.

16 Q I don't know if I asked you this. You stated that  
17 you had written other articles on the subject matter  
18 of the attempt by Communist organizations to  
19 discredit the police, the local police; is that  
20 correct?

21 A Yes, sir.

22 Q All right. Would you give me a list of and copies  
23 of the other articles which you have written on  
24 that subject? Not this minute, but ...

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1 A I can have one prepared for you, I am sure.

2 Q Fine.

3 MR. HELDRICH: Will you prepare one? You  
4 are going to be gone for the next six weeks.

5 THE WITNESS: Yes, sir.

6 MR. HELDRICH: Will you prepare one as  
7 soon as possible?

8 THE WITNESS: I'll tell somebody to do it.

9 MR. HELDRICH: After the deposition, and  
10 furnish counsel with a list and myself with a  
11 copy, as well as a copy for the Court Reporter.

12 [Discussion off the record.]

13 Q One of the documents which you have provided me  
14 is a book entitled "THE COMMUNIST ATTACK ON U.S.  
15 POLICE" by W. Cleon Skousen. This, I take it,  
16 Mr. Stang, is part of the background material to  
17 which you referred either directly or indirectly  
18 in composing this article on Richard Nuccio.

19 A Yes, sir.

20 MR. HELDRICH: Mr. Stang, this appears to  
21 be a brand new copy. This wasn't the copy that  
22 you used at the time, was it?

23 THE WITNESS: No, it wasn't the exact  
24 physical copy, but it's simply another copy of the

1 ~~exact~~ same book that we have been using for years.

2 MR. HELDRICH: It was in print --

3 MR. GIAMPIETRO: For the record, the copy-  
4 right is 1966. Let's mark that as Exhibit 13.

5 [Book entitled "THE COMMUNIST ATTACK  
6 ON U.S. POLICE" by W. Cleon Skousen  
7 was marked Stang Deposition Exhibit  
8 No. 13 for identification.]

8 MR. GIAMPIETRO: Let's mark this document,  
9 being a letter dated July 30, 1948, to members of  
10 the House of Representatives from Robert J.  
11 Silberstein, Executive Secretary of the National  
12 Lawyers Guild, as Exhibit 14.

13 [Letter dated July 30, 1948 from  
14 Robert J. Silberstein, Executive  
15 Secretary of the National Lawyers  
16 Guild, to Members of the House of  
Representatives was marked Stang  
Deposition Exhibit No. 14 for identi-  
fication.]

17 Q Mr. Stang, I will show you what has been marked  
18 for identification as Exhibit 14 and ask you if  
19 that document was obtained by you in connection  
20 with your preparation of the article on the Nuccio  
21 case.

22 A Yes, sir.

23 Q Do you know from whom you obtained that copy of that  
24 letter?

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1 A No. There wouldn't be any way of my establishing  
2 that now. I could have picked it up in Chicago.  
3 Our research department could have gotten it and  
4 just sent it over here and a secretary could have  
5 put it on my desk or it could have been mailed to  
6 me.

7 MR. GIAMPIETRO: Let's mark this next  
8 document as Exhibit 15, being a one-page document  
9 with the heading "CHICAGO CHAPTER, NATIONAL LAWYERS  
10 GUILD, OFFICERS AND MEMBERS OF THE EXECUTIVE BOARD  
11 - 1950-1951."

12 [Document headed "CHICAGO CHAPTER,  
13 NATIONAL LAWYERS GUILD, OFFICERS AND  
14 MEMBERS OF THE EXECUTIVE BOARD -  
1950-1951" was marked Stang Deposition  
Exhibit No. 15 for identification.]

15 Q Mr. Stang, I will show you what's been marked for  
16 identification as Exhibit 15 and ask you whether  
17 this was one of the documents which you used in  
18 preparation of the article on the Nuccio case  
19 which you wrote.

20 A Yes.

21 Q Do you have any idea where you obtained that docu-  
22 ment?

23 A No, sir. The same thing applies to this document  
24 as to the last.

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1 MR. GIAMPIETRO: Off the record.

2 [Discussion off the record.]

3 Q You have now produced for me all of the documents  
4 and notes which you still have regarding your  
5 preparation of the article on Officer Nuccio other  
6 than standard reference works and things of that  
7 nature.

8 A Yes, sir, as far as I know.

9 MR. GIAMPIETRO: I have no further questions.  
10 What do you want to do about signature?

11 MR. HEIDRICH: Signature is waived by  
12 stipulation.

13 [At 3:30 p.m., the deposition was con-  
14 cluded.]

Doris O. Wong Associates

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COMMONWEALTH OF MASSACHUSETTS)

SUFFOLK, SS. )

I, Ralph J. Simpson, Registered Professional Reporter and Notary Public, duly commissioned and qualified in and for the Commonwealth of Massachusetts, do hereby certify that there came before me on the 16th day of October, 1975 at 10:15 a.m., the person hereinbefore named, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon examined upon his oath, and his examination reduced to typewriting under my direction; and that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this \_\_\_\_ day of \_\_\_\_\_, 1975.

Notary Public  
My commission expires  
February 14, 1980.

Doris O. Wong Associates